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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/319,071 07/07/99 CLEWITS

R 96.968US

000466 TM02/0921  
YOUNG & THOMPSON  
745 SOUTH 23RD STREET 2ND FLOOR  
ARLINGTON VA 22202

EXAMINER

PATEL, I  
ART UNIT PAPER NUMBER

2164  
DATE MAILED:

09/21/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/319,071

Applicant(s)

Ritske

Examiner

Jagdish Patel

Art Unit

2164



— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 23, 1999
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### Content of Specification

1. The specification is objected as failing to conform to the requirements set forth as outlined in the following paragraphs. Only those requirements applicable to the instant application have been indicated.

- (a) Title of the Invention: See 37 CFR 1.72(a). The title of the invention should be placed at the top of the first page of the specification. It should be brief but technically accurate and descriptive, preferably from two to seven words.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (e) Background of the Invention: The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.

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- (g) Brief Description of the Several Views of the Drawing(s): A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. This item may also be titled "Best Mode for Carrying Out the Invention." Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (I) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet. (37 CFR 1.52(b)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps.
- (j) Abstract of the Disclosure: A brief narrative of the disclosure as a whole in a single paragraph of 250 words or less on a separate sheet following the claims.
- (k) Drawings: See 37 CFR 1.81, 1.83-1.85, and MPEP § 608.02.

### *Claim Objections*

Claim 6 recites "at least one function is selected and activated..." in line 2 and 3 and "after activation of a function..". The second occupance should read "the function" in order to have proper antecedent basis provided by the first occupance.

Claims 7-9 are objected to under 37 CFR 1.75© as being in improper form because a

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multiple dependent claim should refer to other claims in the alternative only . See MPEP § 608.01(n).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts et al.(US Pat. 5,438,184) (hereafter referred to as Roberts).

Per claim 1: Roberts discloses a system for selective activation of one or several software and/or hardware functions in a programmable device (Playstation 50 containing terminal 51 as referred to in Figure 5), comprising reading means capable of receiving an electronically readable information carrier (electronic purse represented by card 18, as referred to in Figure 5) characterized in that the information carrier comprises a programmable memory capable of storing a numerical value and in that the system comprising programming means capable of modifying said numerical value in accordance with the functions activated in the programmable device (col. 5 L 50-53, "...only the terminal 51 has the ability to alter the stored cash value on card 18") in accordance with the functions activated in the programmable device (refer to col. 5 L 60-64 in conjunction with above analysis).

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Claim 2. ..the programmable device comprises the programming device and the reading means (refer to col. 5 L 60- col. 6 L 1, "...paradigms and protocols that can be employed in Paystation 50, but all essentially involve an offer to pay by insertion of card 18" and "...cash balance already read from smart card..").

Claim 3..the programmable device is an automatic payment machine (as discussed in the cited reference the Paystation 50 is an automatic payment machine).

Claim 4..the programmable device is coupled at least temporary to separate programming means, which programming means comprise the reading means and, at least temporarily, the electronically readable information carrier (refer to a separate programming means, look station 10, which is temporarily connected to the programmable device as disclosed in col. 5 L 1-32).

Claim 6 : Roberts discloses a method of selectively activating one or several software and/or hardware functions of a programmable device whereby at least one function is selected and activated (programmable device terminal 51 of a Paystation 50, col. 5 L 45-53, amount is withdrawn from the stored value on card 18), characterized in that the programmable device is temporarily coupled to reading means (reading means in the programmable device 51 reads cash balance from the card if the card has been inserted into the card slot, col. 5 L 60- col. 6 L 1) and that the reading means cooperate with an electronically readable information carrier (card 18 which cooperate with the reading means of the terminal 51 of the paystation) on which a value is stored, while after the activation of a function a corresponding value is debited (cash value stored on card 18 is read and amount to be paid is withdrawn ..col. 5 L 45-54 and L 65- col. 6 L 1).

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Claims 7 and 8: both programming device and a programming means are interpreted as the Playstation 50 disclosed by the Cited Roberts Patent.

Claim 9: An electronically readable information carrier suitable for use in a system as claimed in claims 1 to 5 (refer to electronic purse card 18 discussed above.).

*Allowable Subject Matter*

4. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065.

The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5397.

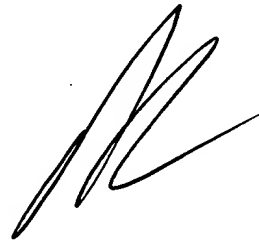
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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JNP 09/18/01

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines, positioned above the printed name.

**VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**